

# **Agenda**

## **D.C. OFFICE OF EMPLOYEE APPEALS (OEA) BOARD MEETING**

Tuesday, January 21, 2014 at 11:00 a.m.

Location: 1100 4<sup>th</sup> Street, SW, Room 380E, Washington, DC 20024

### **I. Call to Order**

### **II. Ascertainment of Quorum**

### **III. Adoption of Agenda**

### **IV. Minutes Reviewed from Previous Meeting**

### **V. Old Business**

**A. Filling the Vacant Board Position** – Lasheka Brown will provide the Board with an update on the vacancy.

### **VI. New Business**

#### **A. Public Comments**

#### **B. Summary of Cases**

- 1. Rashid Jones v. Office of the Chief Medical Examiner** – Employee was removed from his position as an Autopsy Assistant. He was charged with committing an on duty or employment-related act that he should have known was a violation of law. Additionally, he was charged with having committed an on duty or employment-related act that interfered with the efficiency of government operations. Agency alleged that while Employee was on approved sick leave, he received compensation for a total of 96 hours from another District government agency. Employee filed a Petition for Appeal with OEA on September 17, 2008. The Administrative Judge ruled to uphold the first charge; she denied the second charge; and she ordered the parties to submit briefs that addressed the penalty of removal. Agency filed a Petition for Review with the OEA Board on June 15, 2009. The previous OEA Board granted Agency's Petition for Review and remanded the case to the Administrative Judge for further consideration of the penalty imposed on Employee.

The original Administrative Judge retired from OEA, and a new Judge was appointed. After assessing the appropriateness of the penalty, the Administrative Judge ruled to uphold Agency's removal action against Employee. Employee filed a Petition for Review of the Initial Decision on Remand on October 3, 2012 and a Supplemental Petition for Review on December 17, 2012. He contended that he did not believe that he was violating any laws and that the AJ failed to address all material issues of law and fact. Agency also filed a Petition for Review in this matter. It argued that the Initial Decision on Remand was improperly issued because the previous Opinion and Order on Petition for Review did not decide if there was substantial evidence to support the original Administrative Judge's decision to dismiss the second charge.

2. **Laura Smart v. D.C. Child and Family Services Agency** – Employee was separated from her position as a Social Work Associate pursuant to a reduction-in-force. She filed a Petition for Appeal with OEA on July 8, 2010. The Administrative Judge ruled to uphold Agency’s action but ordered it to reimburse Employee for twenty-one days of back pay and benefits because it failed to provide her with the required written, thirty-day notice. Agency was ordered to file documents evidencing compliance with the order. Employee filed a Petition for Review with the OEA Board on October 5, 2012. She asserted that the Administrative Judge’s findings were not based on substantial evidence, and the Initial Decision did not address all of the issues of law and fact properly raised on appeal.
  3. **Ricky Williams v. D.C. Public Schools** – Employee was separated from his position as a Special Education Teacher pursuant to a reduction-in-force. He filed a Petition for Appeal with OEA on December 1, 2009. The Administrative Judge ruled to uphold Agency’s action against Employee. Employee filed a Petition for Review with the OEA Board on September 4, 2012. He argued that the Initial Decision was not based on substantial evidence and that the Administrative Judge failed to consider his substantive and procedural arguments.
- C. Deliberations** – This portion of the meeting will be closed to the public for deliberations in accordance with D.C. Official Code § 2-575(b)(13).
- D. Open Portion Resumes**
- E. Final Votes on Cases**
- F. Public Comments**

## **VII. Adjournment**